

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 18-10176-LTS

JASON COBB

DEFENDANT'S MOTION IN LIMINE TO PROHIBIT
REFERENCE TO PRESENCE OF DETECTION DOG

Defendant Jason Cobb respectfully moves that this Court exclude any reference to the presence of a police dog or its use during the search that eventually resulted in the seizure of the firearm at issue in this case.

As grounds for this motion, undersigned counsel states that the Boston police report in this case alleges that the firearm was discovered after a police dog tracked Mr. Cobb's flight path to the location where the gun was found. This turned out to be incorrect; government counsel reported that the dog was trained to detect human odors, but was not trained to track a particular person. Ultimately, the government stated that it would not call the dog handler as a witness and would not seek to introduce evidence of the use of the dog at the scene.

Undersigned counsel seeks to exclude any evidence of the dog's presence during or participation in the search, including but not limited to any mention by the officers or detectives at the scene.

As grounds for this motion, undersigned counsel states that any such evidence would be unduly prejudicial, as it might lead jurors to speculate about the dog's training and the significance of its presence. If the government were seeking to introduce evidence of the dog's

alleged alert, undersigned counsel would be seeking additional discovery regarding the dog's training and certifications, and would seek a *Daubert* hearing. While undersigned counsel is confident that the prosecution will not attempt to introduce such evidence without proper notice and scrutiny of the handler, defendant seeks to ensure that other witnesses do not mention this evidence, thus putting it before the jury without proper context or vetting.

JASON COBB

By his attorney,

/s/ Miriam Conrad

Miriam Conrad

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CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered Participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as nonregistered participants on November 27, 2018.

/s/ Miriam Conrad